

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:05 PM September 7, 2016 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen DeRosa, Johnson, Montemarano, Upham and approximately 22 interested citizens.

**PUBLIC HEARING: AMENDING CHAPTER 215 - ZONING SECTION 215-43.1.G
“TELECOMMUNICATION TOWERS AND FACILITIES”**

Supervisor Kelly opened the public hearing.

Helen Grosso, Pawling, thanked the Board, saying this is very well done and specific. She asked about setbacks.

Councilman DeRosa said the setbacks are different in the telecommunications law than in the Zoning for the individual districts. There are greater setbacks for the cell towers because of their height. He believed that the setbacks that are organized with the telecommunications zoning would apply.

There were no further comments and Supervisor Kelly closed the public hearing.

RESOLUTIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that the resolutions would be placed on the September 14, 2016 Town Board meeting agenda.

FURTHER BUSINESS

WHALEY LAKE DAM

Supervisor Kelly said the Town has received the permit from NYS DEC to start the process on the rehabilitation of the dam structure. With that permit came a long list of conditions that must be met from an engineering standpoint, from the dewatering, to habitats, etc. NYS DEC wants to know who will be the engineer of record for the project and they also wanted points of interest and inspection points documented. The two major conditions in the permit are condition number 5 which deals with the time of year restriction for altering lake levels, if the Town wishes to work prior to July 15, 2017, the lake will need to be drawn down by October 15, 2016. There is supposed to be a conference call next week on all of these issues. One of the questions is how can NYS DEC only allow a three month window to do this project. He will ask to be able to bring the time frame from July into April. There is a one million dollar grant in place and Alon Dominitz, Director of Dam Safety/ NYS DEC have said that it could be in jeopardy if the project is not started by the end of 2016. The Town has to build an access road and if that is started this year, that is the beginning of the project. The first part of the access road is built but was constructed a little differently for stormwater runoff so Joe Zarecki's office needs to be involved in that part of the conversation. The fourth part is the requirement of more intensive inspections, which will be very expensive. The Board needs a proposal on the inspections from Fuss & O'Neill to see what the cost of the inspections will be. The State's lack of response is holding the Town from moving forward. Kevin Flood from Fuss & O'Neill feels that with the conditions that need to be met, the Town is not going to meet the time frame to start the draw down at this point. He has received many phone calls from residents wanting to know what is going on. He would like to draft a letter noticing the members in the district of what hurdles the Town has because the State has not met with them and is not answering their questions, what the dates are and what the milestone dates are, moving that July date up and what that would mean to the project. The Town can explain that the project is not going to begin right now. The residents need to know that the draw down is not going to happen this year and the Town will not meet the deadlines required by NYS DEC to do the draw down. It will happen sometime in spring/summer 2017. He spoke with the Senator today and he is willing to do whatever we need him to help. The bid documents cannot be prepared until these issues are resolved.

Councilman DeRosa said he wouldn't want someone bidding on documents in a short period of time to meet the October 15th deadline. This is putting the Town behind with this project. The State has put the pressure on the Town for 20 years to get this project done and it is them who are stopping the Town. Supervisor Kelly said there are a few things he would like the Board to think about for next week's meeting. One is appointing an engineer for the project,

assigning the construction hold points and getting the letter out to the residents. He would send a draft letter to the Board for their approval next week.

Vinny DeMarco said he appreciated all of the work done by the Board. There is a lack of communication between State agencies and engineers in charge. He felt this would be resolved and he felt confident that since the permit extends until 2021, he felt the Town would be able to extend it further, if necessary. His biggest concern is the overall cost. No one will know what the cost will be until the bid packet is sent out. He said the taxing district was formed based on a maximum cost of 2.5 million dollars and he felt this project might exceed the cost. The overall cost is very important because once the project is started, it can't be stopped. So he hoped an overall cost could be estimated for the project.

Joe Marotta expressed concern over how long the residents will lose the use of the lake. He felt the Town should guide the time line so that less use of the lake is lost during the summer.

Supervisor Kelly said the Town has to abide by the permit and now things have been changed. He needs to find out why and what can be done about it. If the permit has to be changed, that could be costly. The Board is concerned about the cost because the estimates are from 2000/2001.

Councilman DeRosa said the problem is that different departments within NYS DEC aren't talking to each other.

Mr. Marotta asked if the cost exceeded the 2.5 million dollars, what would happen.

Supervisor Kelly said the Town would have to go back to the district with another referendum.

Mike Mascarenhas asked what if the Town stops the process and lets NYS DEC drain the lake. Then the Town can go ahead and do the repairs.

Councilman Johnson said based on these latest issues, Mr. Mascarenhas could be correct.

Harvey Matcovsky expressed concern about cost over runs and felt the Town had to be prepared for that.

Supervisor Kelly said he would work on the letter and get it out to the Board before the next meeting.

TOWN VEHICLES

Supervisor Kelly said the Town has a few vehicles that need to be replaced. The Highway Department is asking for a plow truck, Code Enforcement is asking for a vehicle, Buildings & Grounds is asking for a vehicle with a plow and sander, Recreation needs a vehicle and Town Hall should have a general use vehicle. The Code Enforcement Office has exceeded their revenue projections for the year and he felt that additional money could be used to purchase a vehicle for that department.

Following discussion, the Board agreed to do research on vehicles during the week to see what is available and discuss this further next week. The large plow truck for the Highway Department will be discussed during the budget process.

ZONING CHANGE REQUEST

Supervisor Kelly said the Board has a request from a resident at One Fenwood Drive for a zoning change, from residential to highway business. The property owner is Thiebouth and it is a similar request to the Rooney request for the same change. Regarding the Rooney request, he is waiting for escrow money from the applicant so there is no movement on that until the Town has escrow money. Supervisor Kelly said if the Town rezones one parcel at a time, it could be considered spot zoning. He asked Councilman DeRosa if the entire Route 22 strip should be looked at.

Councilman DeRosa said the entire Route 22 strip should be reviewed and Mr. Thiebouth should deposit escrow money with the Town as well as Mr. Rooney.

Supervisor Kelly asked Councilman DeRosa to speak with George Brehm, Planning Board Chair and Terry Stewart, Town Attorney to see what would be the best way to proceed.

ZICA VIRUS

Supervisor Kelly said last night he attended the monthly Dutchess County Supervisor's & Mayor's meeting and the Dutchess County Health Department in coordination with New York State Health Department gave a presentation on Zica and the effects of Zica on children and

pregnant women. They said there are no Zika known mosquitos here but there are 276 cases in Dutchess County and they are basically people who travel and brought it back. He brought information back that he would hang up in Town Hall and on the website so people can be aware of it. Also, New York State Health Department in conjunction with Dutchess County Health Department is asking for permission for the Town to allow mosquito traps in the Town's parks. They would set the traps up, collect mosquitos and send them to Albany for analysis.

Following discussion, Supervisor Kelly made a motion to authorize the Supervisor to make the Town's park space available for Zika mosquito testing for the remainder of the 2016 season, in conjunction with Dutchess County Health Department and the New York State Health Department for this series of testing, seconded by Councilman Johnson, motion passed unanimously.

LEGISLATIVE AIDE POSITION

Supervisor Kelly made a motion to hire Jessica Petersen to fill the position based on a review and evaluation of references, seconded by Councilman Upham.

Councilman Johnson said if hired, she would be a marvelous addition and will get along very well with the public. He looked forward to working with her.

Councilman DeRosa said the Supervisor needs help without a doubt but he expressed concern about hiring someone full time, he suggested two different people part time. He said Ms. Peterson seems very nice.

Councilman Montemarano agreed, saying he would like to see a part time person for the time being.

Supervisor Kelly said when you put two part time people together, it is full time. Prior administrations had a full time position. He did have a part time position for a while and understood it needed to be a full time position. When the person was relieved of their duties, he went back to what he did before, doing the work himself for the last four months. That position is needed.

All were in favor and the motion passed.

WATER QUALITY AT LAKESIDE PARK DUE TO GEESE

Councilman Johnson said there was trouble with the water quality at the lake because of the geese. He suggested the possibility of allowing hunting geese at Lakeside Park. He said the seasons runs from 9/1 – 9/23, 11/3 – 11/17 and 12/3 – 1/8. It would have to be extremely controlled. Something needs to be done about the geese.

Councilman DeRosa said it would have to be controlled. The problem wasn't only with our lake, this has happened all over due to the lack of rain.

Susan Schwartzman said the lake is usually treated.

Councilman Johnson said the lake was treated, just later than usual because NYS DEC changed their permitting process and the process took longer.

Betsy Brockway said this summer was challenging and the Town has not had these issues before. The lake is one of the best assets in the park and it is underutilized. She felt it could be revenue generating if we could work positively next year and overcome the issues.

Following discussion, the Board agreed they would look at ways to control the geese at Lakeside Park and improve the waterfront.

REPORTS

KELLY

Supervisor Kelly said he has been working on the Whaley Lake Dam. He will be bringing up some of the purchase items needed for compliance with the Holmes Whaley Lake Civic Association settlement. He has been speaking with Fire Commissioner Denzel regarding ambulance service in general and Danbury Ambulance Service. He has applied for the CCAP grant six times and he felt the money would be forthcoming. He felt the shared services grant monies for the fuel master project from 2013 would also finally be forthcoming. The community garage sale is this weekend. On Monday, the senator will be at Lakeside Park for the Veteran's Hall of Fame at 7:00 PM. He will be working with the department heads over the next week on

the budget. He has been working on the budget with the bookkeeper. Last year was a little bit different process and he has spoken to Board members about it. Supervisor Kelly said he takes heed to the comments that are made by other individuals about process and things like that. Last year, he had a lot of questions about what was going on and he met with people at night and in the afternoons. He had changed the document itself a little bit but he personally takes heed to what has been said lately on line about the lack of transparency and the closed door and the back door things that are going on. That is his personal reputation and he doesn't and won't take that lightly. What was adopted for this year is a great working document and the Comptroller wants to see only certain numbers. The Annual Update Document is done in the same format. He takes this personally and he understands that people take their properties personally as well. He will work with everyone through the budget process.

Councilman Johnson thanked Supervisor Kelly for listening to the conversation they had today.

JOHNSON

Councilman Johnson said the park will become a focus for him. There were a couple of things that happened that really upset him and he will be working more closely on the park. There are two months left to play the Dutcher Golf Course and everyone should get out and play.

MONTEMARANO

Councilman Montemarano said everyone has the latest blue prints for the renovation of the front of town hall and the Legion building and he asked that they look it over and try to move it forward next week. Councilman Montemarano said regarding the Legislative Aide position, we should keep in mind that all of the department heads and elected officials who have to fill a vacancy have to post in the Poughkeepsie Journal, the Town's website and everyone should be on the same playing field.

DEROSA

Councilman DeRosa said he has been working with Councilman Montemarano and Councilman Johnson on the town hall and legion building renovations and he would like everyone to look them over so the Board can move forward on it at the next meeting. Regarding the golf course, he would like to say that Jason Watson has done a great job keeping the course in the condition it is in. Councilman DeRosa said Dutchess County Water Wastewater Authority is doing work on the water system over in Holmes and they have started to do digging. There are flags all over marking water and electric lines so people should be aware of that.

UPHAM

Councilman Upham said he played at the Dutcher Golf Course the other day, they do a wonderful job and he thanked everyone involved. He said there is a 9/11 Commemoration on Sunday morning at 9:00 AM at the Fire House and everyone is welcome to attend. The Town has a small piece of the World Trade Center at the fire house. Let's never forget.

PUBLIC COMMENT

Betsy Brockway said the water quality at Lakeside Park has been great until this point. The water quality deteriorated this year because of the geese. There are many town residents who would be happy to be proactive and help for next year. She is concerned about people who bought memberships and couldn't use it for almost four weeks this summer and for the people who come on weekends and could not swim due to the lack of lifeguards. With reference to lifeguards, she understands that the certification is \$400.00 and is good for only two years. She said there needs to be a creative way to have a constant pool of lifeguards available. People do not want to go for the certification because it is too expensive. She suggested a way to work out a reimbursement of the certification fee if they sign a contract and work on weekends, or bonuses. These are ideas to be more proactive next year. The lake is not being used to its maximum potential for the residents of this community. She felt the usage needed to be increased and she felt it could be a good source of revenue.

Councilman Johnson said he and Supervisor Kelly received a very well-constructed email from Recreation Director Melissa Smith with great ideas about how to maximize the use of the park for residents and many other things.

Vinny DeMarco said he has the name of a person who will come in and remove the geese and donate them to food pantries. He will get that phone number to the Board. Mr. DeMarco said regarding the budget process, he felt the Board was very open during the budget process and anyone making a comment that information is withheld from the public is out of their mind. He listens to all that goes on and anything that is on paper is true, it is fact. Anyone stating otherwise is not listening to what goes on during the budget process. People can make things up but they should not be publicized as facts. People should do their due diligence before they believe things they read, the information out there that is not based on fact. Everything the Board does is done with the proper process.

Drew Montgomery said he was at the Village Board meeting last night and they received the report from G&G Consulting in which they took a survey of the income of everyone in the sewer district and it came back very favorable for getting help from the State. He thought the Village was going to continue with that and do a survey of the rest of the Village of people not in the sewer district and he hoped the Town would also look into that information and consider doing a town wide survey, which may help getting a little more assistance from the State. Regarding the geese, he hoped the Town might look into the use of dog runs to chase the geese.

Harvey Matcovsky said there are very positive trends happening, such as the tax base has increased, the cost of fuel is down, the cost of road maintenance is down and the warming trends. Hopefully, the economy of Dutchess County is improving. He felt the Town should do forward budgeting. The School Board and its financial team goes out a couple of years on their budgeting.

Helen Grosso said she was very excited to hear about the income survey and hoped the Town and School would work together to broaden that survey. She said she did not question Supervisor Kelly's budget numbers but there wasn't enough detail. She FOILed the golf course budget and got back a mixture of information that wasn't very complete. She asked if it would be possible for her to sit down with someone to go over the golf course budget. The information she received is not clear, it is not clear who is getting health benefits, or the cart fees.

Supervisor Kelly said the information Mrs. Grosso received is plain and clear. The 2016 year is not complete yet and he gave her year to date. She was provided with the information she requested on her FOIL request. The difference she is talking about is the way the budgets were adopted for 2015 and 2016. She made her first comments about numbers not being transparent, and so now he knows who the name is behind the website. He would be happy to sit down with her and go over the golf course budget. She did not ask in her FOIL request who was getting health benefits at the golf course that is why it was not provided to her.

Mrs. Grosso asked how she gets that information.

Supervisor Kelly said Mrs. Grosso can ask for it. She needs to articulate the information she wants on the FOIL request.

Supervisor Kelly made a motion to adjourn the meeting at 8:35 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk